

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the present application.

**Listing of Claims:**

**1-19. (Canceled)**

**20. (Currently Amended)** A non-aqueous secondary battery comprising:  
a negative electrode comprising a collector and an intermetallic compound capable of occluding/desorbing lithium as an active material layer on a the collector[.,.];  
a positive electrode[.,.]; and  
a non-aqueous electrolyte, wherein  
the intermetallic compound contains at least one kind of element A selected from Sn, In, Ge, Ga, Pb, Al, Sb, and Si, and an element X that does not substantially react with Li, and  
~~a protective conductive layer for preventing a reaction between the active material layer and the collector is provided between the active material layer and the collector therebetween,~~  
wherein a main constituent element of the protective conductive layer is different from a main element that of the intermetallic compound.

**21. (Previously Presented)** The non-aqueous secondary battery according to claim 20, wherein, in X-ray diffraction measurement with a CuK $\alpha$ -ray of the active material layer, highest

peak intensities of diffraction lines derived from the intermetallic compound and the element A are represented by  $I_a$  and  $I_b$ , respectively, and an intensity ratio  $I_b/I_a$  is 0.1 or less.

22. (Canceled)

23. (Currently Amended) The non-aqueous secondary battery according to claim 20, wherein the main constituent element of the protective conductive layer is at least one kind of element selected from Ti, Ni, Zr, W, and Ag.

24. (Currently Amended) The non-aqueous secondary battery according to claim 20, wherein a thickness of the protective conductive layer is 0.05 to 0.5  $\mu\text{m}$ .

25. (Previously Presented) The non-aqueous secondary battery according to claim 20, wherein the element X is at least one kind of element selected from Cu, Ni, Fe, Mn, Co, Cr, Mo, W, Ti, and Zr.

26. (Previously Presented) The non-aqueous secondary battery according to claim 20, wherein the element X is at least one kind of element selected from Cu, Ni, and Fe.

27. **(Previously Presented)** The non-aqueous secondary battery according to claim 20, wherein the intermetallic compound is a NiAs type intermetallic compound belonging to a space group  $P6_3/mmc$ .

28. **(Original)** The non-aqueous secondary battery according to claim 27, wherein the NiAs type intermetallic compound is  $Cu_6Sn_5$ .

29. **(Previously Presented)** The non-aqueous secondary battery according to claim 21, wherein a highest peak intensity of a diffraction line derived from an intermetallic compound phase other than the intermetallic compound capable of occluding/desorbing lithium is represented by  $I_c$ , and an intensity ratio  $I_c/I_a$  is 0.05 or less.

30. **(Previously Presented)** The non-aqueous secondary battery according to claim 20, wherein a thickness of the active material layer is 20  $\mu m$  or less.

31. **(Previously Presented)** The non-aqueous secondary battery according to claim 20, wherein a thickness of the active material layer is 10  $\mu m$  or less.

32. **(Previously Presented)** The non-aqueous secondary battery according to claim 20, wherein the collector is composed of at least one kind of element selected from Cu, Ni, Fe, and Ti, and an alloy thereof.

33. (Currently Amended) A non-aqueous secondary battery comprising:

a positive electrode[[],];

a non-aqueous electrolyte[[],]; and

a negative electrode comprising a collector and a single phase of an intermetallic compound that occludes/desorbs lithium as an active material layer on a the collector, and

wherein a conductive protective layer for preventing a reaction between the active material layer and the collector is provided between the active material layer and the collector therebetween,

wherein a main constituent element of the conductive protective layer is different from a main element that of the intermetallic compound,

wherein the intermetallic compound is a single phase and contains at least one kind of element A selected from Sn, In, Ge, Ga, Pb, Al, Sb, and Si, and an element X that does not substantially react with Li, wherein X is at least one kind of element selected from Cu, Ni, Fe, Mn, Co, Cr, Mo, W, Ti, and Zr,

wherein in X-ray diffraction measurement with a CuK $\alpha$ -ray of the active material layer, highest peak intensities of diffraction lines derived from the intermetallic compound and the element A are represented by  $I_a$  and  $I_b$ , respectively, and an intensity ratio  $I_b/I_a$  is 0.1 or less, and

wherein the main constituent element of the protective conductive layer is at least one kind of element selected from Ti, Ni, Zr, W, and Ag.